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Attorney for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X CASE NO.:

SAMUEL WILKENS,

PLAINTIFF,

PLAINTIFF'S COMPLAINT

-against-

(Plaintiff Demands a Trial by Jury
Of all issues herein)

THE CITY OF STAMFORD; STAMFORD
POLICE DEPARTMENT, "JOHN DOE",
AND "RICHARD ROE",

DEFENDANTS.

-----X

The plaintiff, by and through his attorney Gary S. Fish, Esq., complains against
defendants as follows:

I. PARTIES AND JURISDICTION

1. On or about March 2021, and at all times relevant herein, plaintiff resided and
resides at 1171 Washington, #6C, Bronx, NY 10456, in the County of The Bronx, State of New
York.

2. On or about March 2021, and at all times relevant herein, on information and
belief, defendant The City of Stamford, was and is a municipal corporation lawfully
organized and existing under the laws of the State of Connecticut, and on said date and at all
times relevant herein, said defendant had and has a principal place of business located at
888 Washington Boulevard, Stamford, Ct. 06901.

3. On or about March 2021, and at all times relevant herein, defendant Stamford Police Department was a business entity on information and belief, under the dominion, and/or possession and/or ownership and/or control of defendant The City of Stamford, and said defendant, which on information and belief had and has a principal place of business located at 725 Bedford Street, Stamford, CT. 06901, and at all times relevant herein, acted pursuant to a municipality implemented plan, decision, custom rule, regulation and/or usage, and each act of wrongdoing herein after alleged to have been committed by defendants “John Doe” and “Richard Roe”, defendant Stamford Police Department police officers, whose names are presently unascertained, was committed pursuant to a municipality implemented policy, statement, ordinance, regulation, and/or decision officially and/or unofficially adopted by that body’s officers, resulting in the herein after described constitutional violations, on behalf of defendant The City of Stamford and/or defendant Stamford Police Department, which expressly and/or impliedly ratified each act of wrongdoing herein after alleged to have been committed by defendants herein.

4. On or about March 2021, at or near 120 Stratford Street, Stamford, CT. in a residence owned and/or leased by Deasha Thomas, then girlfriend of the plaintiff, she attacked and/or punched and/or bit the plaintiff, and/or scratched herself and/or inflicted harm on herself, in order to falsely implicate the plaintiff in a false domestic violence charge, that the defendant Stamford Police Department admitted to the plaintiff was false and without merit.

5. On or about March 2021, and at all times relevant herein, the defendants, herein, arrested the plaintiff for the above domestic violence charge, which was in fact dismissed in

Stamford Criminal Court on or about July 2021, and then acted pursuant to a municipally implemented custom, plan, rule and/or decision, and/or wrongfully fabricated inculpatory evidence and/or suppressed exculpatory evidence, pertaining to this plaintiff.

6. Pursuant to 28 U.S.C. Section 1343(a)(3), the Federal Court has original jurisdiction to redress the deprivation of civil rights under color of any law, statute, ordinance of any right, privilege, or immunity secured by the U.S. Constitution, providing for equal rights of any citizens or of all persons within U.S. jurisdiction, and jurisdiction exists herein under 42 U.S.C. Section 1983, proscribing excessive force and/or malicious prosecution therefor.

7. Jurisdiction herein is founded on diversity of citizenship between plaintiff, who resides in the State of New York, and defendants, which are business entities in City of Stamford State of Connecticut, and the amount in controversy herein, exclusive of interests and costs, exceeds \$250,000.00, and venue is proper herein, where the defendant resides, and venue is proper therefore in the United States District Court, Southern District of New York.

COUNT I
(VIOLATION OF 42 U.S.C. SECTION 1983-FALSE ARREST)

8. On or about March 2021, defendants “John Doe” and “Richard Roe”, defendant Stamford Police Department officers, whose true names are unascertained at present; at 120 Stratford Street, Stamford, CT., the residence and/or leased home of plaintiff then girlfriend Deasha Thomas, wrongfully, intentionally, and/or without probable cause and/or without warrant arrested the plaintiff for assault and/or domestic violence, although the defendants knew and/or should have known that plaintiff’s then girlfriend Deasha Thomas had a history of bipolar

schizophrenia and/or had made similar false claims against the plaintiff before, which she always recanted and admitted to the defendants was false, such as the present claim against him.

Said defendants then acted within the scope of their authority and/or agency and/or employment on behalf of defendants Stamford Police Department ("NYPD"), under the dominion, possession, ownership and/or control of defendant The City of Stamford.

9. Defendants' false arrest of the plaintiff was wanton, intentional, wrongful, egregious, heinous, oppressive, and opprobrious, was calculated to and did result in loss of plaintiff's liberty and property rights, and defendants are liable for punitive and exemplary damages thereof.

10. As a result of defendants' false arrest of plaintiff, he sustained loss of liberty and/or wrongful and intentional confinement without probable cause of approximately four (4) months.

11. As a result of defendants' false arrest of the plaintiff on or about March 2021, the plaintiff incurred reasonable attorney fees and costs

COUNT II (VIOLATION OF 42 U.S.C. SECTION 1983-MALICIOUS PROSECUTION)

12. Plaintiff herewith repeats, restates and realleges Paragraphs 1-11 herein above.

13. The defendants, and each of them, from on or about March 2021, up to and including on or about July 2021, wrongfully, and intentionally, and/or maliciously prosecuted, without probable cause, in Stamford Criminal Court, Stamford, CT., an assault and/or domestic violence case, inter alia, against plaintiff, that was on or about July 2021 dismissed, and thereby favorably terminated.

14. The malicious prosecution of plaintiff by defendants, was part and parcel of a

unconstitutional municipality implemented plan, decision, custom and/or long standing usage, without probable cause and/or was extra-judicial and/or ultra vires in nature, because defendants relied on the known false testimony of complaining witness Deasha Thomas, who had repeatedly lied to defendant Stamford Police Department in the past concerning allegations against the plaintiff herein, and/or defendants wrongfully fabricated inculpatory evidence against plaintiff, including wrongful Deasha Thomas testimony and/or wrongfully concealed from the plaintiff exculpatory evidence, including medical and/or scientific evidence that showed that the wounds on Deasha Thomas were self-inflicted.

15. Defendants' 42 U.S.C Section 1983 violations were wilful, deliberate, wrongful, in conscious disregard of plaintiff's liberty and property rights, was oppressive, heinous and opprobrious, and defendants, and each of them, are liable for punitive and exemplary damages therefor.

16. As a result of defendants' herein constitutional violations, plaintiff incurred reasonable attorney fees and costs.

WHEREFORE, plaintiff prays for relief as follows:

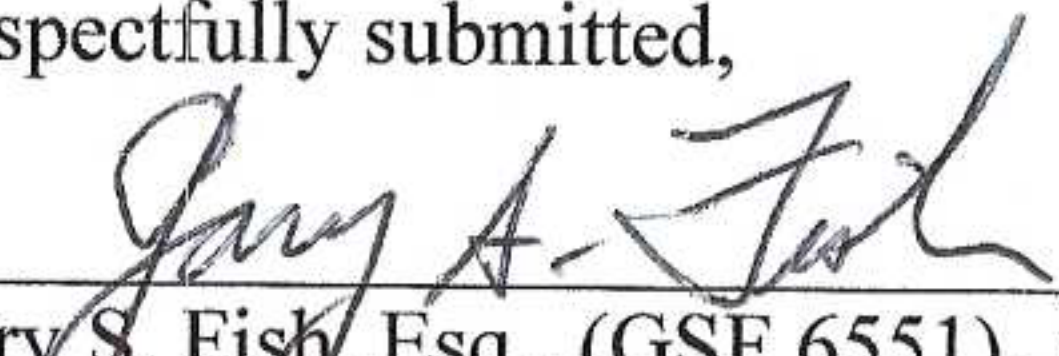
AS AND FOR EACH OF THE FIRST AND SECOND COUNTS:

1. For damages in the amount of \$350,000.00 (Three Hundred Fifty Thousand Dollars and Zero Cents);
2. For punitive and exemplary damages in the amount of \$1,400,000.00; (One Million Four Hundred Thousand Dollars and Zero Cents);
3. For reasonable attorney fees and costs;
4. For disbursements; and

5. For any other just relief by the Court.

DATED: NY, NY; JANUARY 25, 2024

Respectfully submitted,



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